

RULE NO.: R161-14.08

POSTING DATE: January 14, 2014

NOTICE OF PROPOSED RULE

The Director of Watershed Protection Department proposes to adopt the following rule after February 15, 2014.

Comments on the proposed rule are requested from the public. Comments should be submitted to Dana McGehee, 505 Barton Springs Road, Suite 1200, Austin Texas, 78704, 974-2634, or via email at dana.mcgehee@austintexas.gov. To be considered, comments must be submitted before February 15, 2014, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph.

EFFECTIVE DATE OF PROPOSED RULE

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before February 15, 2014 (the 32nd day after the date of this notice) or not after April 14, 2014 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before April 14, 2014, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

TEXT OF PROPOSED RULE

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Watershed Protection Department, located at 505 Barton Springs Road, Suite 1200, Austin, TX, 78704; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

BRIEF EXPLANATION OF PROPOSED RULE

R161-14.08: Deleting and replacing Section 1.7 in the Environmental Criteria Manual as follows:

Environmental Criteria Manual Section 1.7 – Floodplain Modification Criteria

- **Note:** This section will replace the existing ECM Section 1.7 in its entirety.
- **1.7.1 Introduction**
 - Explains the objectives and purpose of the floodplain modification criteria.
- **1.7.2 Code Requirements**
 - Summarizes the requirements of sections 25-8-364 (Floodplain Modification) and 25-8-261 (Critical Water Quality Zone Development) of the Land Development Code for floodplain modifications inside and outside of the Critical Water Quality Zone.
- **1.7.3 Exemptions**
 - Provides guidance and criteria for the exemptions allowed under the Code, including modifications necessary to protect the public health and safety; modifications providing a significant, demonstrable environmental benefit; and modifications for development allowed within the Critical Water Quality Zone.
- **1.7.4 Functional Assessment of Floodplain Health**
 - Explains the three zones that potentially will be assessed by the functional assessment. References Appendix X.
- **1.7.5 Restoration**
 - Establishes ratios for required restoration, describes the Riparian Restoration Plan, explains the Developer's Agreement process for restoration projects that exceed the period of construction, and provides guidance on passive restoration techniques.
- **1.7.6 Mitigation**
 - Describes when and how mitigation may be provided off-site and establishes ratios for compliance.

AUTHORITY FOR ADOPTION OF PROPOSED RULE

The authority and procedure for the adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is established in Chapter 1-2 of the City Code. The authority to regulate water quality control standards is established in Chapter 25-8 of the City Code.

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Proposed Rule R161-14.08, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEW AND APPROVED

Victoria J. Li, P.E., Director
Watershed Protection Department

Date: _____

Karen Kennard
City Attorney

Date: _____